MONTANA LEGISLATIVE HISTORY

Chapter 182 1983

Bill H 51 S _____ Original bill & history ✓ C

H. Committee on LOCAL GOVERNMENT S. Committee on ST. ADMIN

Hearing Date(s) 1/11 ____C Hearing Date(s) 3/7 ____C

_____ ____C _____ ____C

_____ ____C _____ ____C

_____ ____C _____ ____C

Date Out _____ ____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HEARING: 1/10/83
REPORT: 01/10/83, DO PASS
REREFERRED TO COMMITTEE ON APPROPRIATIONS: 01/11/83
INDEFINITELY POSTPONED: 2/21/83
BILL KILLED

49 -- NORDTVEDT -- TO EXPAND THE EXCEPTION TO COMPULSORY SCHOOL ATTENDANCE FOR CHILDREN PROVIDED WITH SUPERVISED CORRESPONDENCE OR HOME STUDY BY REMOVING THE TRANSPORTATION REQUIREMENT; AMENDING SECTION ....

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 01/03/83
HEARING: 1/10/83
REPORT: 02/15/83, DO NOT PASS, AS AMENDED
BILL KILLED: 02/16/83

50 -- NORDTVEDT -- TO CHANGE THE LIGHT VEHICLE LICENSE FEE TO AN AD VOLOREM FEE BASED ON THE VALUE OF THE VEHICLE; AMENDING SECTIONS ...; AND PROVIDING A DELAYED EFFECTIVE DATE.

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON TAXATION: 01/03/83
HEARING: 1/7/83
DIED IN COMMITTEE

51 -- YARDLEY -- PROHIBITING CHANGING BOUNDARIES OF A COUNTY COMMISSIONER DISTRICT WITHIN 6 MONTHS PRECEDING A PRIMARY ELECTION; AMENDING SECTION ....

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 01/03/83
HEARING: 1/6/83 CANCELLED
HEARING: 1/11/83
REPORT: 01/11/83, DO PASS, AS AMENDED
2ND READING: 01/13/83, DO PASS AYES: 97; NAYS: 0
3RD READING: 01/15/83, DO PASS AYES: 91; NAYS: 0

TRANSMITTED TO SENATE: 1/15/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/17/83
HEARING: 3/7/83
REPORT: 3/8/83, BE CONCURRED IN
2ND READING: 03/10/83 AYES: 49; NAYS: 0
3RD READING: 03/12/83 AYES: 45; NAYS: 0

RETURNED TO HOUSE: 3/12/83

TRANSMITTED TO GOVERNOR: 03/19/83
SIGNED: 03/22/83, CHAPTER 182

52 -- SHONTZ -- DEFINING THE RESPONSIBILITIES OF ELECTION ADMINISTRATORS; REQUIRING THE COMMISSIONER OF POLITICAL PRACTICES TO INVESTIGATE ALLEGATIONS BY CANDIDATES; PROVIDING PENALTIES; AMENDING SECTION ....

INTRODUCED: 01/03/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/03/83
HEARING: 1/20/83
DIED IN COMMITTEE

HOUSE BILL NO. 51

INTRODUCED BY YARDLEY

IN THE HOUSE

January 3, 1983	Introduced and referred to Committee on Local Government.
January 11, 1983	Committee recommend bill do pass as amended. Report adopted.
January 12, 1983	Bill printed and placed on members' desks.
January 13, 1983	Second reading, do pass.
January 14, 1983	Considered correctly engrossed.
January 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 17, 1983	Introduced and referred to Committee on State Administration.
March 8, 1983	Committee recommend bill be concurred in. Report adopted.
March 10, 1983	Second reading, concurred in.
March 12, 1983	Third reading, concurred in. Ayes, 45; Noes, 0.

IN THE HOUSE

March 12, 1983	Returned to House.
March 14, 1983	Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 51

INTRODUCED BY YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CHANGING BOUNDARIES OF A COUNTY COMMISSIONER DISTRICT WITHIN 6 MONTHS PRECEDING A PRIMARY ELECTION; AMENDING SECTION 7-4-2102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-4-2102, MCA, is amended to read:

"7-4-2102. Division of county into commissioner districts. (1) In every county of the state, following each federal decennial census, the board of county commissioners shall divide their respective counties into three commissioner districts, as compact and equal in population and area as possible. Such apportionment may take place at any time for the purpose of equalizing in population and area such commissioner districts. However, no commissioner district shall at any time be changed to affect the term of office of any county commissioner who has been elected. No change in the boundaries of any commissioner district shall be made within 6 months next preceding a primary election or a general election.

(2) The district judge or judges of the county shall review the action of the commissioners to determine whether

or not such action meets the requirements of this section.

(3) Sections 7-4-2102 through 7-4-2104 shall not apply to counties adopting an optional or alternative form of government authorized by law."

-End-

INTRODUCED BILL

HB51

MINUTES OF THE LOCAL GOVERNMENT COMMITTEE
January 11, 1983

The House Committee on Local Government convened at 12:30 p.m. on January 11, 1983 in Room 224A. It was called to order by Chairman Kathleen McBride. All members were present.

CHANGE IN FORMAT OF PROGRAM: The order of committee hearings will be Sponsor, Proponents, Opponents, closing by Sponsor followed by questions.

CHAIRMAN McBRIDE suggested and the committee agreed that a review of local government and the Constitution would be presented by the Lt. Governor's office and Lee Heiman next week.

HOUSE BILL 36. REP. STOBIE, Sponsor. The bill reduces the number of copies of the Administrative Rules of Montana to be provided to the counties. The County Clerks were polled to see if the counties used the copies of the Administrative Rules of Montana. They said they were scarcely used, and they didn't want two copies--only one. By not having to send out another 56 copies to the counties, there would be a substantial savings in postage--$508 per year and two or three days labor by someone in the courthouse.

There were no proponents or opponents.

REP. STOBIE closed the hearing on House Bill 36.

CHAIRMAN McBRIDE called for questions from the committee. She inquired if the bill eliminated the copy that was sent to the County Clerk and Recorder.

REP. STOBIE stated that it would be the copy sent to the Clerk of the Court that was eliminated. The County Commissioners would determine where the set of books shall go.

CHAIRMAN McBRIDE closed the hearing on House Bill 36.

HOUSE BILL 41. REP. NORDTVEDT, sponsor. The purpose of this bill was to move some elections in which the voter turnout is low to other times of the year so we could get better voter turnout for some very important elections in our local communities. The idea is to get a better mandate

REP. NORDTVEDT stated that you would not want school trustees in power who had no participation in forming the budget.

REP. DARKO asked who bears the cost of school elections. She was informed that the School District does. She stated that running those elections would probably increase the costs.

WAYNE BUCHANAN replied that there would be a savings in running a general election.

CHAIRMAN McBRIDE closed the hearing on House Bill 41.

HOUSE BILL 51. REP. YARDLEY, sponsor. The bill is an act prohibiting the changing of boundaries of a county commissioner district within six months preceding a primary election. The current law reads six months before a general election. County commissioners are elected by districts. There are three districts in every county. It is required that you live in the district you run in. There is a different district commissioner being elected every two years. They are elected for a six-year term. The statute you are looking at requires that every ten years the county commissioners consider redistricting to make up for any changes in census. Under the current law, it says six months before the general election. Last year the general election was November 2; six months earlier was May 2 and the county commissioners could redistrict any time prior to May 2. People who filed for the office of county commissioner in January 82, had to have filed before the 50th day of the primary election which this year was April 19. That meant, in theory, that the county commissioners could redistrict after the deadline for filing was over. After January 1st, several people indicated they were going to file for candidacy. The county commissioners redistricted and those people were no longer living in a district that they represented. This bill would change the date to be six months before the primary.

PROPONENTS:

MIKE STEPHENS represented the Montana Association of Counties. He stated that this bill helps establish districts so people can file for these districts and participate in a good election process.

There were no opponents.

REP. YARDLEY closed.

QUESTIONS:

REP. KADAS asked REP. YARDLEY if we should drop "general election."

REP. ABRAMS closed.

QUESTIONS:

CHAIRMAN McBRIDE asked if this meant that there would be a consistent date set by the city or town council for that report or will it vary for when they want it for each month.

REP. ABRAMS replied that it was at the discretion of the City Council and it could vary from month to month.

ALEC HANSEN stated that what the bill intends is to allow the Council to establish a consistant date that fits in with meeting schedules. It would not be the same every place. It would be set up as a regular monthly date--not the same date all over the state but it would be the same date in that jurisdiction.

CHAIRMAN McBRIDE closed the hearing on House Bill 72.

EXECUTIVE SESSION

HOUSE BILL 36. REP. SALES moved DO PASS on House Bill 36. REP. WALLIN seconded the motion. It PASSED UNANIMOUSLY.

HOUSE BILL 41. REP. SALES stated that there was a great deal of interest on a very poor bill. He MOVED that the chairman appoint an election committee and that this bill and some future bills be transmitted to that committee. REP. KITSELMAN seconded the motion.

REP. McBRIDE stated that she would be willing to appoint a subcommittee but felt that it was a little premature at this point. She said we could hold bill in committee and by the end of the week, bring it up again. If she has not heard anything by then, we can table the bill.

REP. SALES withdrew his motion.

REP. HAND made a substitute motion to table bill.

The vote to table House Bill 41 PASSED UNANIMOUSLY.

HOUSE BILL 51. REP. SALES moved that we amend House Bill 51 to read: Page 1, line 22, following: "election" strike "or" and on page 1 also following: line 22, strike: line 23 in its entirety.

REP. KADAS seconded the motion.

Motion to amend PASSED.

REP. KITSELMAN moved that House Bill 51 DO PASS as amended.

REP. KEENAN seconded it.

HOUSE BILL 51, as amended, received a DO PASS UNANIMOUSLY.

REP. KITSELMAN moved that House Bill 72 DO PASS. REP. SCHYE seconded it. A question was raised whether or not the bill has the intent to require a consistent date to be set.

REP. SWITZER stated that it is the intention of the bill to allow flexibility.

REP. BERGENE said that having to set the date for them was what every city was trying to get away from.

DO PASS, UNANIMOUSLY.

The meeting was adjourned at 1:30 p.m.

Kathleen McBride
Chairman Kathleen McBride

Geri Brusett
Secretary

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL HOUSE BILL #51 Date January 11, 1983

SPONSOR REP. YARDLEY

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Mike Stephens	Helena	MACo	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-33
1-81

STANDING COMMITTEE REPORT

January 11, 19 83

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 51

first reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CHANGING BOUNDARIES OF A COUNTY COMMISSIONER DISTRICT WITHIN 6 MONTHS PRECEDING A PRIMARY ELECTION; AMENDING SECTION 7-4-2102, MCA."

Respectfully report as follows: That HOUSE Bill No. 51

be amended as follows:

1. Page 1, line 22.
Following: "election"
Strike: "or"

2. Page 1.
Following: line 22
Strike: line 23 in its entirety

AND AS AMENDED
DO PASS

Kathleen McBride Chairman.

STATE PUB. CO.
Helena, Mont.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 7, 1983

The forty-first meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman on March 2, 1983 at 10:00 a.m. in room 331 of the State Capitol Building, Helena, Montana.

ROLL CALL: All members were present except Senator Stimatz.

The meeting was called to consider House Bills 51, 493, 506, 375, 508 and 67.

CONSIDERATION OF HOUSE BILL 51:
"AN ACT PROHIBITING CHANGING BOUNDARIES OF A COUNTY COMMISSIONER DISTRICT WITHIN 6 MONTHS PRECEDING A PRIMARY ELECTION; AMENDING SECTION 7-4-2102, MCA."

REPRESENTATIVE YARDLEY, District 74, presented this bill and said that currently the law says six months prior to the general election they must change county commissioner districts and also every ten years when they have census it is a requirement that they redistrict. Under the current laws it says elected for six years and they have one up every two years. Under the current law you have to live in the district to run. Six months before the general election would make the it May 2, 1982 and the deadline for filing was April 19th. It eliminated any prospective candidate that would like to run.

PROPONENTS: None

OPPONENTS: None

QUESTIONS OF THE COMMITTEE: None

SENATOR MANNING MOVED HOUSE BILL 51 BE CONCURRED IN MOTION PASSED. Senator Manning will carry this bill.

CONSIDERATION OF HOUSE BILL 493:
"AN ACT TO GENERALLY REVISE THE LAWS GOVERNING PROCUREMENT OF SUPPLIES AND SERVICES FOR STATE AGENCIES; GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF ADMINISTRATION: AMENDING..."

REPRESENTATIVE YARDLEY, District 74, presented this bill who said that this bill is the request of the Department of Administration. He called the committee's attention to the Statement of Intent. He said that there has been four studies made on the purchasing of state government and was critized by

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION -- 1983 Date 3/7/83

NAME	PRESENT	ABSENT	EXCUSED	SENATE SEAT #
SENATOR PETE STORY, Chairman	X			45
SENATOR H. W. HAMMOND, Vice Ch	X			34
SENATOR REED MARBUT	X			44
SENATOR LARRY TVEIT	X			33
SENATOR R. MANNING	X			48
SENATOR LAWRENCE STIMATZ				7
SENATOR THOMAS TOWE	X			26
SENATOR GARY LEE	X			

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 7 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 51

Yardley (Manning)

Respectfully report as follows: That HOUSE Bill No. 51

BE CONCURRED IN

~~XXXXXXXX~~

SENATOR PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.

4/6

HB 0051/02

HOUSE BILL NO. 51

INTRODUCED BY YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CHANGING BOUNDARIES OF A COUNTY COMMISSIONER DISTRICT WITHIN 6 MONTHS PRECEDING A PRIMARY ELECTION; AMENDING SECTION 7-4-2102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-4-2102, MCA, is amended to read:

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(2) The district judge or judges of the county shall review the action of the commissioners to determine whether or not such action meets the requirements of this section.

(3) Sections 7-4-2102 through 7-4-2104 shall not apply to counties adopting an optional or alternative form of government authorized by law."

-End-

REFERENCE BILL